

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TVT MUSIC, INC. )  
 )  
 ) Plaintiff, )  
 ) Civil Action No. 05 CV 5602  
 ) -against- )  
 )  
REP SALES, INC. d/b/a RYKO DISTRIBUTION )  
PARTNERS and DM RECORDS, INC. d/b/a )  
ICHIBAN RECORDS and/or CRITIQUE )  
RECORDS, )  
 )  
 ) Defendants. )  
-----X

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

COME NOW, Defendants in the above-styled civil action, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and files this Motion for Summary Judgment, showing this Honorable Court that Plaintiff cannot recover from Defendants. According, summary judgment is warranted in Defendants' favor as a matter of law.

In support of this motion, Defendants rely upon the following:

1. Notebook of Exhibits and Deposition Excerpts;
2. Defendants' Statement Of Material Facts As To Which There Is No Genuine Issue To Be Tried;
3. Defendants' Memorandum of Law in Support of the Motion for Summary Judgment; and
4. All pleadings and discovery on file with the Court.
5. Defendants' Memorandum in Support of Motion for Summary Judgment in the Trademark action, Civil Action No. 03CV10148.

Respectfully submitted this 30th day of November, 2006.

**HALL, BOOTH, SMITH & SLOVER, PC.**

By: /s/ Karl M. Braun  
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*Attorneys for Defendants Rep Sales, Inc. d/b/a  
RYKO Distribution Partners and DM Records, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on November 30, 2006, I caused to be served a copy of **Defendants' Motion for Summary Judgment** on counsel for Plaintiff, by electronic notification and facsimile, as follows:

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